



MINUTES OF FEBRUARY 21, 2023

REGULAR MEETING OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA REDEVELOPMENT AGENCY/COVINA PUBLIC FINANCING AUTHORITY/COVINA HOUSING AUTHORITY HELD IN THE COUNCIL CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, COVINA, CALIFORNIA AND VIRTUALLY VIA ZOOM

CALL TO ORDER

Mayor Cortez called the Council/Agency/Authority meeting to order at 7:33 p.m. with all Councilmembers present.

ROLL CALL

Councilmembers Present: Hector Delgado, John C. King, Victor Linares, Mayor Pro Tem/Vice-Chair Walter Allen, III, and Mayor/Chair Patricia Cortez.

Councilmembers Absent: None.

Elected Members Present: City Clerk Drew Aleman, City Treasurer Neil Polzin.

Staff Members Present: City Manager Chris Marcarello, City Attorney Candice K. Lee, Police Chief David Povero, Administrative Services Director Anita Agramonte, Community Development Director Brian Lee, Parks & Recreation/Library Services Director Lisa Evans, Public Works Director Andy Bullington, Interim Chief Deputy City Clerk Evelyn Leach, and Deputy City Manager Angel Carrillo.

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Allen.

INVOCATION

Given by Covina Police Chaplain David Truax.

PUBLIC COMMENTS

City Treasurer Neil Polzin addressed Council regarding agenda item CC8 - Escheatment of Unclaimed Funds to the City of Covina in Accordance with the Escheat of Unclaimed Property Policy. He requested Council not approve this item and quoted Government Code indicating the item should be published in a newspaper and the City Treasurer should review, which he has not.

COUNCIL/AGENCY/AUTHORITY COMMENTS

Councilmember King did not have any comments.

Councilmember Linares indicated that he had received calls regarding concerns about coyote problems and suggested advising residents to be careful.

Councilmember Delgado did not have any comments.

Mayor Pro Tem Allen thanked staff for all their work on the budget revisions and moving forward with the Laugh Factory.

Mayor Cortez reported that a resident living in the neighborhood behind IKEA expressed concern regarding the left turn lane from Workman on to Barranca. Apparently, there are recurring problems with accidents at this location. Mayor Cortez requested staff look into this issue and perhaps have the Traffic Commission also review.

CITY MANAGER COMMENTS

City Manager Marcarello stated he appreciated the community being patient during the rehabilitation program on Citrus Avenue and looks forward to completion of the project.

CONSENT CALENDAR

Councilmember King requested CC 8 be pulled from Consent and Mayor Pro Tem Allen pulled CC 5.

A motion was made by Councilmember King, seconded by Councilmember Linares, to approve Consent Calendar items CC 1 through CC 4, CC 6, CC7 and CC 9 as presented.

Motion approved by roll call vote for Consent Calendar items CC 1 through CC 4, CC 6, CC 7 and CC 9 as presented:

AYES: DELGADO, KING, LINARES, ALLEN, CORTEZ

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

CC 1. City Council approved the purchase of Microsoft Operating System 2022 Licenses.

CC 2. City Council approved the Payment of Demands in the amount of \$3,809,641.94.

CC 3. City Council approved the City of Covina Investment Report for month ended January 31, 2023.

CC 4. City Council authorized Budget Amendment **Resolution CC 2023-09** for the purposes of transitioning to a new land management and citizen access software and authorize the City Manager to execute the related software subscription licensing agreement and implementation services agreement.

CC 6. City Council approved the proposed amendment to the professional services agreement with Tripepi Smith for Covina Center for the Performing Arts outreach and promotional services. In addition, a determination was made that the action is exempt under CEQA.

- CC 7. City Council approved the Second Amendment – HVAC Preventative Maintenance & Repairs at City Facilities Professional Services Agreement with Control Air Enterprises, LLC & adopted of **Resolution CC 2023-10** Amending the FY 2022-23 Building Maintenance Budget.
- CC 9. City Council adopted **Resolution CC 2023-11**, authorizing Fiscal Year 2022-2023 mid-year budget adjustments.

CONSENT CALENDAR ITEMS PULLED FOR SEPARATE DISCUSSION

- CC 5. Covina Skate Park Project – Authorization to Solicit Bids

Staff Recommendation:

Adoption of plans and specification and authorize staff to solicit bids for the construction for the Covina Skate Park Project.

Mayor Pro Tem Allen indicated he requested this item be pulled because it is good news. He added this is the first skate park in the history of Covina and complimented staff for the great addition to Wingate Park.

A motion was made by Mayor Pro Tem Allen, seconded by Councilmember Linares, to approve Consent Calendar item CC 5 as presented.

Motion approved by roll call vote for Consent Calendar item CC 5 as follows:

AYES:	DELGADO, KING, LINARES, ALLEN, CORTEZ
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

- CC 8. Escheatment of Unclaimed Funds to the City of Covina in Accordance with the Escheat of Unclaimed Property Policy

Staff Recommendation:

Authorize staff to pursue the escheatment of unclaimed funds to the City in the amount of \$43,361.78 and approve the transfer of any available funds remaining unclaimed to be recognized as revenue in the General Fund in accordance with the Escheat of Unclaimed Property Policy.

Councilmember King asked City Manager Marcarello if this item needs to be continued due to the comments by City Treasurer Polzin.

City Manager Marcarello indicated that this relates to city policy regarding unclaimed monies or funds collected by the city. He added that after three years the monies revert back to the city and that all related actions are completed in accordance with the Government Code, including two public noticing dates. He requested that Director of Administrative Services Agramonte provide further information.

Director of Administrative Services Agramonte responded to questions regarding this item. She indicated that city policy dictates how escheatment is handled. She added that publishing, as noted, will take place and City Treasurer Polzin will be given access to the information.

Mayor Cortez asked if procedure was followed with Director Agramonte indicating the only step that was not completed was to provide City Treasurer Polzin with the information. This is done every year and the amounts are very small. Otherwise, the internal process was thoroughly followed and is standard procedure.

A motion was made by Councilmember King, seconded by Mayor Pro Tem Allen, to approve Consent Calendar item CC 8 as presented.

Motion approved by roll call vote for Consent Calendar item CC 8 as follows:

AYES: DELGADO, KING, LINARES, ALLEN, CORTEZ

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

PUBLIC HEARINGS

- PH 1. Ordinance 23-01, Mitigated Negative Declaration (MND), and Mitigation Monitoring Reporting Program Concerning the Proposed Allowance of Cannabis Retailers and Microbusinesses to Conduct Business in the City of Covina, Subject to Proposed Amendments to Title 5 (Business Licenses and Regulations) and Title 17 (Zoning) of the Covina Municipal Code, and Making a Finding in Accordance with CEQA.

Staff Recommendation:

That the City Council adopt the following:

1. **Ordinance 23-01**, an ordinance amending Title 5 (Business Licenses and Regulations) and Title 17 (Zoning) of the Covina Municipal Code to allow the establishment and operation of cannabis retailers in the C-3 Commercial Zone (Central Business), C-3A Commercial Zone (Regional or Community Shopping Center), C-4 Commercial Zone (Highway) and C-5 Commercial Zone (Specified Highway), and cannabis microbusinesses in the (M-1) Light Manufacturing Zone, and adopting a Mitigated Negative Declaration pursuant to the California Environmental Quality Act; and
2. Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program: In accordance with CEQA, the City has completed an Initial Study to determine whether the Project may have a significant effect on the environment. The Initial Study concludes that the Project, with mitigation measures, will not have a significant effect on the environment. The City has therefore prepared a Mitigated Negative Declaration (MND), to be considered by the City Council for adoption.

The public hearing was opened.

City Manager Marcarello provided a brief introduction and PowerPoint explanation of project to date.

Community Development Director Lee provided information regarding the Planning Commission recommendations.

City Attorney Maricela Marroquin provided a comprehensive overview of the proposed DRAFT Ordinance – which included revisions to the document.

Deputy City Manager Carrillo provided a detailed explanation regarding a map outlining the recommended 600-foot buffer which is addressed in the Ordinance.

Questions and discussion followed requiring additional explanation by Deputy City Manager Carrillo regarding the buffer zone areas.

City Manager Marcarello concluded indicating staff recommendation is to adopt Ordinance 23-01 as amended.

Council provided questions regarding the process, and additional clarification regarding the proposed 600-foot buffer areas, CUP process, and cash only dispensary issues.

The following individuals spoke in favor of the proposed Ordinance: John Brittain, Robert Edmonds, Rick Probst, Richard Erskian.

The public hearing was closed.

Mayor Pro Tem Allen thanked staff and City Attorney Marroquin for doing a great job. He expressed concern about the Ordinance and indicated he would be voting NO.

Councilmember Delgado indicated he respected Mayor Pro Tem Allen; however, felt the city needed to be progressive and control businesses in our city.

Councilmember Linares thanked staff and stated he also felt the city needed to control businesses in our city.

Councilmember King also thanked staff and stated local control was important. He stated that this was not a get rich quick scheme – but more about keeping control of businesses in our city.

Mayor Pro Tem Allen added, that for the record, local control would not be lost and cited Proposition 64.

Mayor Cortez thanked City Attorneys Lee and Marroquin and staff for their great work on this issue; however, felt there was still a lot of work to be done and appreciates all the thought put into this including community outreach.

City Attorney Lee recommended, for the record, that revisions be outlined and provided an overview of recommended revisions to the Ordinance 23-01, as follows:

Staff has recommended approval of Ordinance 23-01, approval of Mitigated Negative Declaration (MND) and Mitigation Monitoring Reporting Program with the following three revisions:

#1. Sections 5.80.110A., there is reference to 17.84.030(D) which should be 17.840.030(B);

#2. Change to 17.84.030(B)1 – striking all of the language after (C)5 commercial zone specified highway; and

#3. Revising 17.84.070C – last 3 words refer to residentially zoned properties should be stricken and replaced with the word “park.”

A motion was made by Councilmember Delgado, seconded by Councilmember King, to approve Ordinance 23-01, Mitigated Negative Declaration (MND), and Mitigation Monitoring Reporting Program, Concerning the Proposed Allowance of Cannabis Retailers and Microbusinesses to Conduct Business in the City of Covina, Subject to Proposed Amendments to Title 5 (Business Licenses and Regulations) and Title 17 (Zoning) of the Covina Municipal Code, and Making a Finding in Accordance with CEQA with recommended revisions as follows:

Motion approved by roll call vote for Public Hearing item PH 1 as follows:

AYES: KING, LINARES, MARQUEZ, CORTEZ

NOES: ALLEN

ABSTAIN: NONE

ABSENT: NONE

Following the vote, Councilmembers King and Linares requested that a policy be brought back regarding Council contact with individuals applying for licenses to sell Cannabis. It was stated that Council wants to remain as transparent as possible.

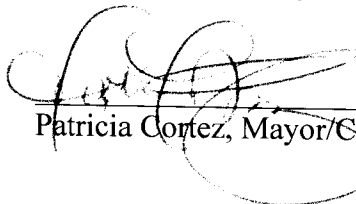
ADJOURNMENT

At 8:58 p.m., the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Covina Housing Authority adjourned to its next regular meeting of the Council/Agency/Authority scheduled for Tuesday, March 7, 2023, at 6:30 p.m., for closed session and 7:30 p.m., for open session in the Council Chamber located inside of City Hall, 125 East College Street, Covina, California, 91723.

Respectfully Submitted:


Evelyn Leach, Chief Deputy City Clerk

Approved this 7th day of March, 2023:


Patricia Cortez, Mayor/Chair